

REMARKS

Claims 1-18, all the claims pending in the application, stand rejected. No amendments are made to the claims.

Drawings

The Examiner objects to the drawings because the Examiner asserts that the twisted section of the reinforcing holder is not shown. The Examiner admits that the drawings have a straight, angled bent line but not a "twist".

Applicant respectfully submits that this objection should be withdrawn because the application expressly teaches at page 6, lines 9-11 that "both end parts thereof are twisted and bent in one direction to form fixing pieces 11 and 11 having etched pieces 17 and 17, as shown in Figs. 1 and 4." This is the exact language used in claim 1 to define the reinforcing base member. Clearly, from a review of Fig. 1, the relationship between the end portion 17 and the remainder of the fixing piece 11 is that of a bend and a twist. One of ordinary skill would understand this relationship and the requirement of 37 C.F.R. § 1.83(a) is satisfied.

Claim Rejections - 35 U.S.C. § 112

Claims 1 and 13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner asserts that the language between the preamble and certain portions of the body of the claim are inconsistent. The Examiner states that the preamble of claims 1 and 13 "set forth the combination a reinforcing holder." The meaning of this sentence cannot be understood. Perhaps words were inadvertently omitted, but they are not apparent to any reader. Thus, this rejection is traversed because it is not understandable.

The Examiner goes on to state "however, the claim then recites a building which sets forth a positive relation between the holder and the building appearing to claim a combination." This observation by the Examiner is traversed. First, the claim is expressly drawn to "a reinforcing holder." The Applicant mentioned a building only in the preamble, as a statement of the environment of the invention. The claim is not to a combination. The claim does not state a "holder and a building" or otherwise give any indication that the claim includes a building.

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However, the building environment is recited to distinguish over structures used in other environments. The building environment gives “life and meaning” to the claimed invention. Thus, this basis for rejection should be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 1-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitsueda (4,214,410) in view of Munro (1,859,105) and further in view of Zaparka (2,049,555). This rejection is traversed for at least the following reasons.

Mitsueda

The Examiner has added to his group of previously cited patents the new reference to Mitsueda. The Examiner comments with regard to claims 1, 13 and 14 that the reference discloses “an earthquake resistant mobile home having a leaf spring vibration damper (as illustrated in Fig. 2 and represented by element 50).” The cited structure has no relevance to the claimed invention.

As described in the reference, element 50 is merely a flat base plate that is placed on a concrete footing 52 or any other suitable support. The purpose of the plate is simply to allow the spring loaded weight of the mobile home to move in case of severe vibration condition (col. 5, lines 1-8). As illustrated in the figures, element 50 is nothing more than a flat plate. It has no bends, twists or absorbing members. All of the applications of the base plate of Mitsueda require the device to be lying flat on a surface so that other structures may be attached thereto, as is clear from the illustrations in Figs. 1-3 and 11.

The Examiner admits that “Mitsueda does not disclose a vibration damper having bent ends and absorbing members.” The Examiner also should admit that there is no purpose for having bent portions of plate 50 in Mitsueda. In fact, any such bends would be inconsistent with the support desired by the structure taught in Mitsueda. Where such bends would be made and how they would function is not taught or suggested in the reference, or even mentioned by the Examiner.

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Munro et al

Nonetheless, the Examiner looks to Munro for a teaching of an anti-vibration screen having twisted and bent forms of a plate. The Examiner also notes that Munro uses a sound deadening material. The Applicant has distinguished Munro in the Brief on Appeal as well as previous amendments in this application. Those distinctions were detailed and will not be repeated here. It is sufficient to say that Munro's teachings are solely for a vehicle and not for a building or earthquake protection. Thus, there is no teaching or suggestion for the application of the structure of Munro to a base plate as shown in Mitsueda. Further, there is no motivation for having such combination, as Mitsueda is perfectly adaptable to its purpose without any bends or vibration absorbing structures.

Zaparka

The Examiner also admits that Zaparka is cited solely for its teaching of a cushion round to help dampen vibrations. Again, there is no teaching or suggestion as to why a structure for a vehicle, as taught in Zaparka, should be applied to Mitsueda or even to Munro.

Incorporation of Previous Appeal Arguments

Applicant expressly incorporates the arguments made in the Brief on Appeal, which were successful in convincing the Examiner to withdraw the previous final rejection, in contesting the current Examiner's rejection. Applicant respectfully submits that the Examiner has attempted to combine diverse and unrelated structures that would not, under any principle of patent law, be combinable by one skilled in the art. Moreover, none of these teachings relate to earthquake proof construction components that are designed and structured to provide significant advantages over conventional components, particularly in resisting the stresses and forces that are applied to structures in a building under an earthquake condition. Applicant respectfully submits that bits and pieces of structures from different applications cannot be combined with hindsight derived from the Applicant's own teachings to create a rejection, and the invention clearly is patentable over the art cited by the Examiner, however combined.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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